

*Sayers-Roods, et al. v. Machado (CAND, May 25, 2022)*

# **EXHIBIT O**

US President's Issuance of Trust Land to  
Ancestor Sebastian Garcia of Chualar Indians

OAKLAND 03215..

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a schedule of allotments approved by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that **SEBASTIAN GARCIA**,

of the **CHUALAR**

tribe or band of Indians, has been allotted the following-described land:

THE LOTS TWO, THREE, FIVE, SIX AND TEN OF SECTION THIRTEEN IN TOWNSHIP FOURTEEN SOUTH OF RANGE FIVE EAST OF THE MOUNT DIABLO MERIDIAN, CALIFORNIA, CONTAINING ONE HUNDRED FIFTY-FOUR AND SIXTY-FIVE-HUNDREDTHS ACRES.

Fee Patent Issued **SEP 20 1945**  
 Patent **11,201,35**  
 Letter **2058736**

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, has allotted, and by these presents does allot, unto the said Indian the Land above described, and hereby declares that it does and will hold the Land thus allotted (subject to all statutory provisions and restrictions) for the period of twenty-five years, in trust for the sole use and benefit of the said Indian and at the expiration of said period the United States will convey the same by patent to said Indian in fee, discharged of said trust and free from all charge and incumbrance whatsoever; but in the event said Indian dies before the expiration of said trust period, the Secretary of the Interior shall ascertain the legal heirs of said Indian and either issue to them in their names a patent in fee for said Land, or cause said Land to be sold for the benefit of said heirs as provided by law; and there is reserved from the lands hereby allotted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **WILLIAM H. TAFT**

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the

**TWELFTH**

day of **JUNE**

In the year of our Lord one thousand

nine hundred and

**ELEVEN**

and of the Independence of the

United States the one hundred and

**THIRTY-FIFTH**

By the President:

By

*W. H. Taft*  
*W. D. Lacey*  
*H. D. Lacey*  
 Secretary  
 Recorder of the General Land Office

**203411**

RECORD OF PATENTS; Patent Number



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
PORTLAND AREA OFFICE  
911 N.E. 11th Avenue  
Portland, Oregon 97232-4169



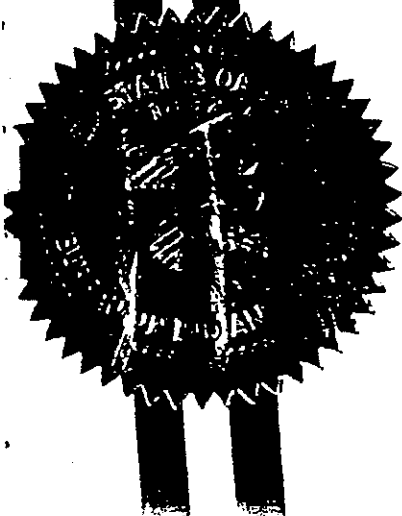
JUN 8 1992

Pursuant to Title 28, section 1733, United States Code, I hereby certify that each annexed paper is a true copy of a document comprising part of the official records of the Bureau of Indian Affairs, Department of the Interior, in my custody: Trust Patent number 203411, issued June 12, 1911, to Sebastian Garcia, recorded under document number 500-3498.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of the Bureau of Indian Affairs to be affixed on the day and year first above written.

Lina La Lue  
(Signature)

Certifying Officer  
(Title)



OAKLAND 03215.

# The United States of America,

To all to whom these presents shall come. Greeting:

WHEREAS, a schedule of allotments approved by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that SEBASTIAN GARCIA,

of the CHUALAR

tribe or band of Indians, has been allotted the following-described land:

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Fee Patent Issued SEP 20 1945  
Patent 1120135  
Letter 2058736

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, has allotted, and by these presents does allot, unto the said Indian the Land above described, and hereby declares that it does and will hold the Land thus allotted (subject to all statutory provisions and restrictions) for the period of twenty-five years, in trust for the sole use and benefit of the said Indian and at the expiration of said period the United States will convey the same by patent to said Indian in fee, discharged of said trust and free from all charge and incumbrance whatsoever; but in the event said Indian dies before the expiration of said trust period, the Secretary of the Interior shall ascertain the legal heirs of said Indian and either issue to them in their names a patent in fee for said Land, or cause said Land to be sold for the benefit of said heirs as provided by law; and there is reserved from the lands hereby allotted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I,

WILLIAM H. TAFT

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the

TWELFTH

(SEAL)

day of JUNE

In the year of our Lord one thousand

nine hundred and

ELEVEN

and of the Independence of the

United States the one hundred and

THIRTY-FIFTH.

By the President

By

W. H. Taft  
R. O. LaRue  
H. W. Langford

Secretary

Recorder of the General Land Office

203411

RECORD OF PATENTS: Patent Number

*Sayers-Roods, et al. v. Machado (CAND, May 25, 2022)*

# **EXHIBIT P**

Constitution of Chualar-Costanoan Indian Tribe -  
Ann-Marie Sayers (1974)

CONSTITUTION  
OF THE  
CHUALAR INDIANS OF INDIAN CANYON

PREAMBLE

We, the Chualar Indians of Indian Canyon, located near the town of Hollister and the San Juan Bautista Mission, located in San Benito County, California, in order to form a recognized and more representative organization to manage all business affairs, and to preserve and make secure our Indian homeland heritage, culture, and identity; to safeguard our interests and general welfare; and further improve the economic conditions of ourselves and Indian Canyon; do hereby adopt this Constitution.

PURPOSE

The descendent Indians of the Chualar Indians of Indian Canyon do hereby adopt this Constitution which shall henceforth constitute the governing authority of the Tribe for the purpose of self government, to promote to further enhance economic advance cooperative relations with other tribal, Federal, State, and local governments.

TERRITORY AND JURISDICTION

Section 1. Territory and Jurisdiction. The jurisdiction of the Tribe and its General Governing Council shall extend to the following:

- (a) All lands which are held in trust and other resources within the interior boundaries of Indian Canyon.
- (b) All other lands, and resources which may be hereafter acquired by the Tribe.
- (c) All recognized members of the Tribe, wherever located.

## MEMBERSHIP

Section 1. Membership. The following persons shall be members of the Chualar Indians of Indian Canyon, California:

(a) All persons of Indian descent whose names are listed as descendants of the Chualar Indians of Indian Canyon, ~~according to the provisions of the Bureau of Land Management (BLM) requirements,~~ shall together be listed with dependent children, of said descendants.

(b) All Indian persons living on the effective date of this Constitution who are lineal descendants of any person designated in subsection (a) of this Section.

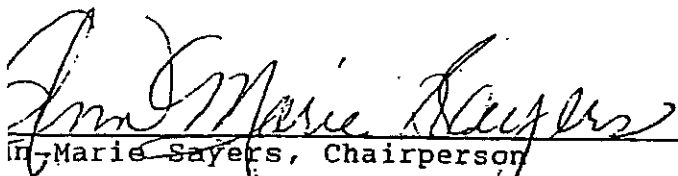
## THE GENERAL GOVERNING COUNCIL

Section 1. Council Composition. The General Governing Council shall, at minimal, consist of the Chairperson, Secretary, and Treasurer. The Council shall be elected by secret ballot.

Section 2. Governing Council Meeting. All meetings of the General Governing Council will be open to all of the Tribe's members, except in those cases where the matter under discussion would involve confidentiality. In these cases, business will be conducted in a closed session of the Council.

## CERTIFICATION

This is to certify that the above Constitution was duly adopted by the Chualar Indians of Indian Canyon at a duly noticed, called, and convened meeting on the 24 day of October, 1974, where a quorum was present.

  
Marie Sayers, Chairperson

*Sayers-Roods, et al. v. Machado (CAND, May 25, 2022)*

# **EXHIBIT Q**

Chualar-Costanoan Tribe of Ohlone People  
(Senate.Gov - LDA Report)



4/16/22, 3:38 PM

LD-2 Disclosure Form

Clerk of the House of Representatives  
Legislative Resource Center  
135 Cannon Building  
Washington, DC 20515  
<http://lobbyingdisclosure.house.gov>

Secretary of the Senate  
Office of Public Records  
232 Hart Building  
Washington, DC 20510  
<http://www.senate.gov/lobby>

**LOBBYING REPORT**

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required to Complete This Page

|  |          |                                   |                                 |
|--|----------|-----------------------------------|---------------------------------|
| 1. Registrant Name <input checked="" type="checkbox"/> Organization/Lobbying Firm <input type="checkbox"/> Self Employed Individual<br>HOGAN & HARTSON LLP   |          |                                   |                                 |
| 2. Address<br>Address1 COLUMBIA SQUARE   |          | Address2 555 THIRTEENTH STREET NW |                                 |
| City WASHINGTON  | State DC | Zip Code 20004                    | Country USA                     |
| 3. Principal place of business (if different than line 2)<br>City _____ State _____ Zip Code _____ Country _____   |          |                                   |                                 |
| 4a. Contact Name<br>Ms. Warnke, Christine M.   |          | b. Telephone Number<br>2026375645 | c. E-mail<br>CMWarnke@HHLAW.com |
|  |          |                                   | 5. Senate ID#<br>18422-1005243  |
| 7. Client Name <input checked="" type="checkbox"/> Self <input type="checkbox"/> Check if client is a state or local government or instrumentality<br>Indian Canyon Chualar Tribe of Costanoan-Ohlone People |          |                                   | 6. House ID#<br>304700529       |

**TYPE OF REPORT**

8. Year 2008 Q1 (1/1 - 3/31)

Q2 (4/1 - 6/30) ☒Q3 (7/1 - 9/30) ☐Q4 (10/1 - 12/31) ☐9. Check if this filing amends a previously filed version of this report ☐10. Check if this is a Termination Report ☐

Termination Date \_\_\_\_\_

11. No Lobbying Issue Activity ☐**INCOME OR EXPENSES - YOU MUST complete either Line 12 or Line 13****12. Lobbying**

INCOME relating to lobbying activities for this reporting period was:

Less than \$5,000 ☒\$5,000 or more ☐ \$ \_\_\_\_\_

Provide a good faith estimate, rounded to the nearest \$10,000, of all lobbying related income for the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

EXPENSE relating to lobbying activities for this reporting period were:

Less than \$5,000 ☐\$5,000 or more ☐ \$ \_\_\_\_\_

14. REPORTING Check box to indicate expense accounting method. See instructions for description of options.

☐ Method A. Reporting amounts using LDA definitions only☐ Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature

Digitally Signed By: Warnke, Christine M., Senior Governmental Affairs Advisor

Date

07/21/2008

4/16/22, 3:38 PM

LD-2 Disclosure Form

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code GOV

16. Specific lobbying issues

Seeking Reaffirmation of Tribal Recognition

17. House(s) of Congress and Federal agencies ☐ Check if None

Interior - Dept of (DOI), U.S. HOUSE OF REPRESENTATIVES, U.S. SENATE,

18. Name of each individual who acted as a lobbyist in this issue area

| First Name   | Last Name | Suffix | Covered Official Position (if applicable) | New                                 |
|--------------|-----------|--------|---|-------------------------------------|
| Christine M. | Warnke    |        |   | <input type="checkbox"/>            |
| Douglas P.   | Wheeler   |        |   | <input type="checkbox"/>            |
| Andrew L.    | Spielman  |        |   | <input type="checkbox"/>            |
| Danielle     | DiMauro   |        |   | <input checked="" type="checkbox"/> |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

4/16/22, 3:38 PM

LD-2 Disclosure Form

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code IND

16. Specific lobbying issues

Indian and Native American Affairs

17. House(s) of Congress and Federal agencies ☐ Check if None

Interior - Dept of (DOI),

18. Name of each individual who acted as a lobbyist in this issue area

| First Name   | Last Name | Suffix | Covered Official Position (if applicable) | New                                 |
|--------------|-----------|--------|---|-------------------------------------|
| Christine M. | Warnke    |        |   | <input type="checkbox"/>            |
| Douglas P.   | Wheeler   |        |   | <input type="checkbox"/>            |
| Andrew L.    | Spielman  |        |   | <input type="checkbox"/>            |
| Danielle     | DiMauro   |        |   | <input checked="" type="checkbox"/> |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

21. Client new principal place of business (if different than line 20)

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

22. New General description of client's business or activities

Indian Tribe

**LOBBYIST UPDATE**

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

| First Name | Last Name | Suffix | First Name | Last Name | Suffix |
|------------|-----------|--------|------------|-----------|--------|
|            |           |        |            |           |        |

**ISSUE UPDATE**

24. General lobbying issue that no longer pertains

**AFFILIATED ORGANIZATIONS**

25. Add the following affiliated organization(s)

Internet Address:

| Name | Address | Principal Place of Business |
|------|---------|-----------------------------|
|      |         |                             |

4/16/22, 3:38 PM

LD-2 Disclosure Form

16/22, 3:38 PM

| Name   | Street Address | Address        |     |         | Principal place of business<br>(city and state or country) |
|--|----------------|----------------|-----|---------|--|
|  | City           | State/Province | Zip | Country |  |
| 26. Name of each previously reported organization that is no longer affiliated with the registrant or client |                |                |     |         |  |

**FOREIGN ENTITIES**

27. Add the following foreign entities:

| Name | Address        |      |                        | Principal place of business<br>(city and state or country) | Amount of<br>contribution for<br>lobbying activities | Ownership<br>percentage in<br>client |
|------|----------------|------|------------------------|--|--|--------------------------------------|
|      | Street Address | City | State/Province Country |  |  |                                      |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

*Sayers-Roods, et al. v. Machado (CAND, May 25, 2022)*

# **EXHIBIT R**

Witness Sayers-Roods Affidavit  
in Support of Complaint (5/25/2022)

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KANYON SAYERS-ROODS, POWER-OF-  
ATTORNEY  
FOR ANN-MARIE SAYERS OF THE  
COSTANOAN  
INDIANS OF INDIAN CANYON;

KANYON SAYERS-ROODS  
(IN AN INDIVIDUAL CAPACITY)

Plaintiff(s)

-vs-

MARLENE RITA MACHADO

Defendant

\_\_\_\_\_  
(Case I.D. Number)

WITNESS AFFIDAVIT IN SUPPORT OF  
PLAINTIFF'S CIVIL COMPLAINT  
(KANYON SAYERS-ROODS)

**AFFIDAVIT**

I, KANYON SAYERS-ROODS, a member of the Chualar-Costanoan Tribal Band of Indian Canyon, California, residing in San Jose, in Santa Clara County, California, MAKE OATH AND SAY THAT:

1. I declare that I am presently President, CEO, and Chairwoman of Costanoan Indian Research Inc. ("CIR"), a registered 501(c)(3) non-profit organization with a headquarters at Indian Canyon Ranch, 1 Indian Canyon Road, Hollister, California, primarily owned and held by the Indian Canyon Chualar Tribe of the Costanoan-Ohlone People ("Tribe"). I was elected and appointed this corporate title on or about February 28, 2022, in accordance with a witness affidavit I certified in a former civil action hereto this civil action as "**EXHIBIT V**". And, in accordance with this exhibit enclosed with corporate papers as to CIR, I have been a corporate officer and director at Costanoan Indian Research since in or about March 2021. Moreover, I have served as a CIR board director, and board advisor to former CIR President Ann-Marie Sayers since in or about 2002.
2. I declare that on or about March 21, 2022, my mother Ann-Marie Sayers of the Costanoan Indians of Indian Canyon appointed Charles Heinz, Jr. and myself as Power-of-Attorney (agents) [**EXHIBIT A**]. Thereby, I acknowledge this document to declare as follows: "<page 1 of 9> I, *Ann Marie Sayers, of Indian Canyon Ranch, 1 Indian Canyon Road, Hollister, California, being*

Affidavit

*of sound mind, voluntarily create this Durable Power of Attorney for Health Care (see Additional*

*Instructions hereinunder) <page 6 of 9> I decree that my agent shall act on my behalf in any lawful circumstance(s), respective to, but no limited Health Care Power of Attorney <page 7 of 9> to Indian Canyon Ranch under 18 U.S.C. 1151...Real property transactions...Tangible personal property transactions...Business operating transactions... Claims and litigation...Personal and family maintenance." This document was signed and notarized at Indian Canyon Ranch on March 21, 2022. Moreover, Defendant Marlene Machado and myself are listed as witness signators of this executed agreement.*

3. I declare that, I have served as a Council member, alongside tribal council members Ann-Marie Sayers (my mother) and Christopher Sayers (my uncle), for the Indian Canyon Chualar Tribe of the Costanoan-Ohlone People ("Chualar-Costanoan Tribe") since in or about 2004.
4. I declare that, as an official for CIR and Tribe my duties consisted of, but were not limited to, business management, government filings as to CIR, public affairs, planning of Tribe awareness events and ceremonial activities, hosting and coordinating educational programs on indigenous studies, and tribal land maintenance.
5. I declare that, from 2001 through the present, I have co-resided among Santa Clara County, San Jose, California, and Indian Canyon Ranch ("Indian Country" in accordance with Title 18, Section 1151, United States Code, located on Indian Canyon Road of Township Fourteen South of Range Five East of the Mount Diablo Meridian, San Benito County, Hollister, California [cf. 27 CFR § 9.110 - *San Benito*]. Hence, since in or about 2016, upon the outset of frequent visits by a woman I know as Marlene Machado, I have not been able to visit the cabin at Indian Canyon Ranch as much as I would have done prior to Machado's arrival.
6. I declare that, as a nonlawyer whose highest level education reached was a bachelor degree of science from Arts Institute of California; I am a member of Indian Canyon Chualar Tribe of the Costanoan-Ohlone People (Chualar-Costanoan), and acknowledge the following Federal statutes of United States Code, of which are relative to authenticating government facts, documents, or communication relative to CIR and Tribe. Additionally, I have researched each statute on Cornell Law School Legal Encyclopedia (<https://www.law.cornell.edu/uscode/>) prior to submitting this affidavit. Therefore, I attest my general understanding of 18 U.S.C. 1151 (Congress's definition of "Indian Country"), 28 U.S.C. 1732-1733 (Congress's definition of government records and papers, or any document under business records exception), 25 U.S.C. 1529-1530 (Congress's definition of "Indian," "tribe," and "Indian tribe").

Affidavit

7. I declare that, to the best of my knowledge, the legal document hereto this affidavit known as **"EXHIBIT O"** is in fact a government document issued by the Bureau of Indian Affairs on June 8, 1992. This document looks like a trust patent number. Additionally, I can attest to seeing an official certification with Government seal and signature by a U.S. government official acknowledging a trust patent that issued by the Government on June 12th, 1911 to Sebastian Garcia ("document number 500-3498").
8. I declare that the second page of 'EXHIBIT O' hereto this affidavit, to the best of my knowledge, is a government document issued by the 'United States General Land Office,' which is now known as the U.S. Department of the Interior. And it looks like then-United States President William Taft signed this document acknowledging Sebastian Garcia as an "Chualar" Indian (as it reads, "Whereas, a schedule of allotments approved by the Secretary of Interior has been deposited in the General Land Office, whereby it appears that Sebastian Garcia, of the Chualar tribe or band of Indians, has been allotted the following-described land: The Lots Two, Three, Five, Six, and Ten of Section 13 in Township Fourteen South of Range Five East of the Mount Diablo Meridian, California, containing one hundred fifty-four and sixty-five hundredths acres...<towards the bottom portion of this page> In testimony whereof I, William H. Taft, President of the United States of America, have have caused these letters to be made patent and the seal of the General Land Office to be fixed...Patent No. 203411."). Therefore, based on this government document I would conclusively presume that anyone that is a blood-relative of Sebastian Garcia is a Chualar Indian. Thus, in accordance to exhibits fled with this affidavit hereunto, and government documents filed in the instant case, I preserve claim that Sebastian Garcia is my mother, Ann-Marie Sayers's great grandfather.
9. I declare that, to the best of my knowledge, the legal document hereto this affidavit known as **"EXHIBIT A"** encloses a government document issued by the Bureau of Indian Affairs on June 8, 1992 under Title 28, Section 1733, United States Code (as it reads, "Pursuant to Title 28, section 1733, United States Code, I hereby certify that each annexed paper is a true copy of a document comprising part of the official records of the Bureau of Indian Affairs, Department of the Interior, in my custody: Trust Patent number 04-88-0047, issued August 19, 1988, to Ann Marie Sayers, recorded under document number 500-6431."). And page two of this government document acknowledges my mother, Ann Marie Sayers, an Indian of the Costanoan Tribe of Mount Diablo Meridian, California (as it reads, "Ann Marie Sayers, an Indian of the Costanoan Tribe, is entitled to a trust patent pursuant to Sec. 4 of the Act of February 8, 1887, as amended (25 U.S.C. 334, for the following described land: Mount Diablo Meridian, California, T. 14 S., R. 5 E., sec. 24, lots, 1, 2, and 3...Containing 123.42 acres...NOW KNOW YE, That the UNITED STATES OF AMERICA...has allotted and by these present does allot, unto the said Indian, the land described, and hereby declares that that it does and will hold the land thus allotted."). That



being said, without a doubt I believe that this government document under seal, issued by the United States Department of Interior is acknowledging an allotment of land to my mother, Ann Marie Sayers of the Costanoan Tribe in California.

10. I declare that, to the best of my knowledge, **"EXHIBIT B"** is a government document issued by the Bureau of Indian Affairs, showing Indian roll numbers ("RN") for Native-American blood-relatives that I know as Christopher Sayers (my uncle) and Ann Marie Sayers (my mother) (as it reads as, "Ann Marie Sayers...Tribe: Costanoan...RN: 506708...Christopher A. Sayers...Tribe: Costanoan...RN: 56710."). Additionally, 'EXHIBIT B' (on the bottom-right section of page) shows "Sebastian Garcia" as "Great Grandfather" of Christopher Sayers and Ann Marie Sayers. That being said, without a doubt, I believe this document to demonstrate (respective of 'EXHIBIT A' and 'EXHIBIT O') that the Chualar and Costanoan tribes are one in the same, as the exhibits Sayers siblings who I know as Christopher and Ann Marie are within the same bloodline as Sebastian Garcia whom former U.S. President Taft declared was a Chualar Indian in 1911.
  
11. I declare that I have reviewed **"EXHIBIT M" and "EXHIBIT C"** hereto this civil action, whereof, to the best of my knowledge, is a compilation of government-issued documents provide a showing of the bloodline between ancestors and living tribal members of the Chualar-Costanoan Tribe of California. These documents consist of certified birth records, and government-issued documents (with Government-issued Indian roll numbers), that demonstrate the fact that- (my mother and uncle)- living tribal members Ann-Marie and Christopher Sayers, are kin of Sebastian Garcia- Garcia who then-U.S. President William Taft acknowledged as a Chualar Indian in 1911, per 'EXHIBIT O' hereto this civil action. And, I can attest that throughout my entire life Ann-Marie Sayers, and Christopher Sayers have referred to themselves as 'Chualar-Costanoan' Indians, as is the Government's own classification has demonstrated in 'EXHIBIT B', 'EXHIBIT M', and 'EXHIBIT O,' and Indian trust land allotment papers as to Anne-Marie Sayers of the Costanoan Indians enclosed in 'EXHIBIT A.'
  
12. I declare that, to the best of knowledge, I would attest that **"EXHIBIT Q"**, is a government document, that any layman could find at the United States Senate website ([www.senate.gov](http://www.senate.gov)), showing a certification from a law and lobbying firm called Hogan and Hartson LLP, who was working for a client by the name of Indian Canyon Chualar Tribe of Costanoan-Ohlone People. I know of this client listed on section 7 of this government document. As I understand, presently, Ann Marie Sayers, Christopher Sayers, and myself, are the tribal members that make up the executive council of the Indian Canyon Chualar Tribe of Costanoan-Ohlone People, whereby this legislative disclosure promulgates.

13. I declare that, to the best of my knowledge, I attest that "**EXHIBIT P**" hereto this civil action is a 'Constitution for the Chualar Indians of Indian Canyon' signed and executed in 1974, by a person I have known my entire life as Ann Marie Sayers. Moreover, I understand this document to be a constitution to have a governing influence of its tribal members from historical times to the present. And, as CIR President and Tribe Chair of Council, I presently uphold this Constitution for the Chualar Indians of Indian Canyon ratified by Ann-Marie Sayers in 1974.
14. I declare that, to the best of my knowledge, "**EXHIBIT N**" is a government document sent by the 'United States Department of the Interior, Bureau of Indian Affairs' on December 18, 2007, addressed to Ms. Ann Marie Sayers at P.O. Box 28, Hollister, California. This document appears to be signed by the chief of Division of Tribal Government Services. And, I attest that this is without a doubt a response letter from the Government for a petition for federal acknowledgment of the Indian Canyon Band of Costanoan/Mutsun Indians of California, filed by my mother, Ann-Marie Sayers. Additionally, my understanding of this document is that the Government did not deny or approve Ms. Sayers's petition from Federal acknowledgment due to particular deficiencies; and I would therefore conclusively presume this petition to remain in pending status.

[DECLARATION AS TO WITNESS HARRASMENT & STALKING INCIDENT AT GILROY REHAB CENTER, MAY. 22, 2022.]

15. I declare my acknowledgement of Witness Affidavit of Charles Heinz's May 22, 2022 [**EXHIBIT J**] containing assertions are made respective to Defendant Machado and "Joe" going to the Gilroy Healthcare & Rehabilitation Center where my uncle, Christopher Sayers and my mother, Anne-Marie Sayers are patients. Moreover, I attest that my mother was checked-in under strict security and privacy terms, only allowing POA agents Mr. Heinz and myself to be allowed to visit with my mother, Ann-Marie Sayers, at any time. Additionally, I attest that as POA agent for my uncle, Christopher Sayers, I **determined Defendant Machado's unannounced and unwelcomed visit to Mr. Sayers and Ms. Sayers a threat of harm to my family and Indian tribal band, being in mind that civil action (on torts claims relative to trespassing, property injury to Indian trust land and tribal properties within Indian Canyon, etc.), criminal action (per police report regarding assault and battery committed by Defendant Machado on tribal staff at Ms. Sayers's home at 1 Indian Canyon Road with Indian country), and administrative action (elderly abuse and neglect reporting), and other violent encounters with Defendant Machado that occurred before April 2022, clearly demonstrated that Defendant Machado was someone who had the substantial likelihood to continue causing my tribal band members, relatives, tribal staff, or myself.**

16. I declare that on May 22, 2022, the Gilroy Police were called upon Defendant Machado's stalking of my mother, Ann-Marie Sayers, and my uncle, Christopher Sayers [see "EXHIBIT I" (Gilroy Police case reference number) and "EXHIBIT J" (Heinz's Affidavit containing specific details about law enforcement involvement)]. In addition, I attest to being copied on emails regarding communication with Bureau of Indian affairs, the California Attorney General Indian Affairs Unit, San Benito County Social Services, and the San Benito County District Attorney, concerning a criminal investigation on Defendant Machado's act of violence at Indian Canyon, April 23, 2022, and an elderly abuse and neglect report as to (the abuse-report victim) my mother, Ann-Marie Sayers and (abuse report-subject) Defendant Machado.

[DECLARATION AS TO VIOLENT INCIDENT AT CIR HEADQUARTERS, APR. 23, 2022.]

17. I declare that on or about April 23, 2022, I asked to meet with CIR-Tribe officials and Tribe voluntary security staff in efforts to safely get Ann-Marie Sayers, a CIR official and Tribe member, to the hospital for a wellness check. Hence, in or about March 2022, Costanoan Tribal Counsel and Chief Advisor Cary Peterson, and CIR's corporate officers Thomas Bishop, Charles Heinz, myself, and Tribe volunteers had a failed attempt getting Ann-Marie Sayers to the hospital due to obstruction and threat of physical harm caused by a woman I know as Marlene Machado; thus my concern was that any escalation of controversy had the substantial likelihood to cause CIR official Ann-Marie Sayers (74) to have a stroke or heart-attack. Moreover, at no time was Machado a CIR or Tribe official, authorized agent, or employee, but has habitually interrupted CIR and Tribe activities that involved Ann-Marie Sayers, and other CIR and Tribe officials.
18. I declare that on April 23, 2022, at around 11:45 a.m., at 1 Indian Canyon Road, a woman that I know as Marlene Machado had verbally and physically assaulted CIR and Tribe voluntary security staff members with her fists, and a ceremonial stone used as a weapon amid CIR and Tribe official(s) taking Ann-Marie Sayers to the hospital for wellness check. Machado's physical assault took place while two CIR and Tribe staff members had formed a body shield in attempt to prevent Machado from attacking CIR President and Tribe Chairwoman Sayers-Roods, and another Tribe-CIR volunteer who I know as "Lee," assisting Sayers-Roods with Ann-Marie Sayers in a wheelchair, and proceeding to my car.
19. I declare that on or about April 23, 2022, Tribe volunteer Nichole Rhodes filed a police report with the San Benito County Sheriff regarding Machado's physical assault on her while she was in Indian Canyon. And, at my behest, CIR-Tribe's Counsel and Chief Advisor Cary Peterson sent an email (that I received a copy of via email) to the Bureau of Indian Affairs, California Attorney General, San Benito County Social Services, San Benito County Sheriff, and CIR's court attorney Robert DeWitty, reporting on the April 23 incident involving Machado's trespass and physical

assault on Tribe staff at CIR headquarters (Indian Canyon) while CIR-Tribe officials were trying to take CIR founder-director Ann-Marie Sayers to a local hospital's emergency room that Sunday afternoon.

[DECLARATION ON OTHER BAD CHARACTER EVIDENCE AS TO MARLENE MACHADO.]

20. I declare that in or about March 2022, I was refused by the U.S. Post Office (100 Maple St, Hollister, CA 95023) the right to (1) collect mail addressed to CIR and CIR official; and (2) the right to update postal mailbox user profile information, despite me being the authorized user of this mailbox (since in or about 2018) [EXHIBIT E; EXHIBIT F (USPS postal box rental agreement)], due to misleading conduct induced by Marlene Machado. This obstruction of CIR's mail from various government agencies (e.g., Internal Revenue Service, California Secretary of State, California Franchise Tax Board) caused CIR to be sanctioned, fined, and suspended from conducted commerce in the State of California from in or about October 2021 until in or about April 2022, whereupon CIR's general counsel and CPA curing the issues with the government agencies mentioned above in this section.
21. I declare that on or about March 17, 2022, I was had to order rekeying of my USPS postal mailbox [EXHIBIT H] in efforts to prevent Defendant Machado from collecting or interfering with incoming mail items sent to listed mailbox recipients, whereby include my tribal band, Costanoan Indian Research Inc., my mother, Ann-Marie Sayers, my uncle, Christopher Sayers, and myself.
22. I declare that at all times since 2018, Ms. Machado has interfered with the rural route mailbox, provided to Indian Canyon Ranch by the United States Postal Service, where CIR receives incoming mail items sent to 1 Indian Canyon Road, Hollister, CA 95023.
23. I declare that since May 13, 2022, when civil action was filed against Defendant Machado for other tort claims separate from the instant case, Defendant Machado, throughout the month of May 2022 through the present, has resided at Indian Canyon, entered my mother's cabin home at 1 Indian Canyon Road, has accessed tribal properties within Indian Canyon, and has allowed non-tribal members to enter my mother's cabin home at 1 Indian Canyon Road, without consent or authorization from tribal council, CIR officials, Ann-Marie Sayers, or Mr. Heinz and myself who are POA agents for Ann-Marie Sayers [EXHIBIT A].

[CERTIFICATION.]

24. On this 25th day of May, 2022, I, Kanyon Sayers-Roods, a tribal member of the Indian Canyon Chualar Tribe of Costanoan-Ohlone People (*Chualar-Costanoan*), declare and submit the foregoing as true and correct, under penalty of perjury and in lieu of oath pursuant to 28 U.S.C. 1746.

s/ Kanyon Sayers-Roods

(Signature)

KANYON SAYERS-ROODS

*Sayers-Roods, et al. v. Machado (CAND, May 25, 2022)*

# **EXHIBIT S**

Notice to Terminate A-C Relationship  
& Voluntarily Withdraw DCD Complaint

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

KANYON SAYERS-ROODS )  
POWER OF ATTORNEY FOR )  
ANN-MARIE SAYERS; )  
COSTANOAN INDIAN RESEARCH, INC. )  
Plaintiffs )

CA: 1:22-cv-01319-BAH

v. )

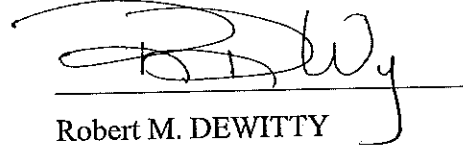
MARLEAN RITA MARCADO )  
Defendant )

NOTICE OF VOLUNTARY DISMISSAL

PURSUANT TO F.R.C.P. 41(a)(1)(A)(i) Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs Kanyon Sayers-Roods Power of Attorney for Ann-Marie Sayers and Costanoan Indian Research Inc. and or their counsel(s), hereby give notice that the abovecaptioned action is voluntarily dismissed, without prejudice against the defendant Marlean Rita Mercado.

Date: May 25, 2022

Respectfully submitted,

  
Robert M. DEWITTY

DeWitty and Associates  
700 12th Street,  
Washington, D.C. 20005  
T: 866 559 9183  
F: 202 513 8071  
E: admin@dewittyip.com



5/25/22, 3:52 PM

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TYPE-D

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:22-cv-01319-BAH**

SAYERS-ROODS et al v. MACHADO  
Assigned to: Chief Judge Beryl A. Howell  
Cause: 28:2201 Injunction

Date Filed: 05/13/2022  
Jury Demand: None  
Nature of Suit: 240 Torts to Land  
Jurisdiction: Federal Question

**Plaintiff**

**KANYON SAYERS-ROODS**

represented by **Robert Dewitty**  
DEWITTY AND ASSOCIATES  
700 Pennsylvania Avenue, SE  
2nd Floor  
Washington, DC 20003  
202-380-9609  
Email: admin@dewittyip.com  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**COSTANOAN INDIAN RESEARCH, INC.**

represented by **Robert Dewitty**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**MARLENE RITA MACHADO**

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 05/13/2022 | <u>1</u> | COMPLAINT against MARLENE RITA MACHADO ( Filing fee \$ 402 receipt number ADCDC-9235903) filed by KANYON SAYERS-ROODS, COSTANOAN INDIAN RESEARCH INC. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit, # <u>3</u> Affidavit, |



5/25/22, 3:52 PM

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|            |   |  |
|------------|---|--|
|            |   | # 4 Affidavit, # 5 Affidavit, # 6 Affidavit, # 7 Affidavit, # 8 Affidavit, # 9 Affidavit, # 10 Affidavit, # 11 Summons)(Dewitty, Robert) Modified on 5/18/2022 to correct docket entry text (zsb). (Entered: 05/13/2022)   |
| 05/16/2022 |   | NOTICE OF ERROR re 1 Complaint; emailed to admin@dewittyp.com, cc'd 0 associated attorneys -- The PDF file you docketed contained errors: 1. Noncompliance with LCvR 5.1(c). Please file an errata correcting the initiating pleading to include the name & full residence address of each party using the event Errata., 2. <b>COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied.</b> (zsb, ) (Entered: 05/16/2022)  |
| 05/17/2022 | 2 | ERRATA by KANYON SAYERS-ROODS, COSTANOAN INDIAN RESEARCH INC. re 1 Complaint, filed by COSTANOAN INDIAN RESEARCH INC., KANYON SAYERS-ROODS(Dewitty, Robert) Modified on 5/18/2022 to correct docket entry text (zsb). (Entered: 05/17/2022)  |
| 05/18/2022 |   | Case Assigned to Chief Judge Beryl A. Howell. (zsb) (Entered: 05/18/2022)  |
| 05/19/2022 | 3 | STANDING ORDER. Signed by Chief Judge Beryl A. Howell on May 19, 2022. (lcbah1) (Entered: 05/19/2022)  |
| 05/23/2022 | 4 | First MOTION for Temporary Restraining Order by COSTANOAN INDIAN RESEARCH, INC., KANYON SAYERS-ROODS. (Attachments: # 1 Affidavit, # 2 Memorandum in Support)(Dewitty, Robert) (Entered: 05/23/2022)   |
| 05/23/2022 | 5 | SUMMONS (1) Issued Electronically as to MARLENE RITA MACHADO. (Attachment: # 1 Notice and Consent)(zsb) (Entered: 05/23/2022)  |
| 05/23/2022 |   | MINUTE ORDER (paperless) DENYING plaintiffs' 4 First Motion for Temporary Restraining Order for a multitude of reasons, including, <i>inter alia</i> , plaintiffs' failure to meet the requirements for consideration of an ex parte application for a temporary restraining order under D.D.C. Local Civil Rule 65.1, which requires that any such application "be accompanied by a certificate of counsel, or other proof satisfactory to the Court," stating that actual notice of the application and copies of all relevant pleadings and papers filed to date or to be presented have been given to the adverse party or describing the efforts made by the applicant to give such notice and copies. D.D.C. LCvR 65.1(a). No such statement, description, or proof accompanies plaintiffs' motion. Additionally, the Court "will not consider an ex parte application for a temporary restraining order" unless the application demonstrates the existence of an emergency. <i>Id.</i> Plaintiffs here have made no such showing as the conditions described in the application have been in existence for more than a year. Moreover, the factual allegations and claims raise serious concerns as to whether venue is defective in this district. Accordingly, the Court DENIES plaintiffs' motion. Signed by Chief Judge Beryl A. Howell on May 23, 2022. (lcbah1) (Entered: 05/23/2022) |
| 05/23/2022 | 6 | MOTION to Issue Summons USM 285 by COSTANOAN INDIAN RESEARCH, INC., KANYON SAYERS-ROODS. (Attachments: # 1 Form USM-285)(Dewitty, Robert) (Entered: 05/23/2022)  |
| 05/24/2022 |   | MINUTE ORDER (paperless) DENYING plaintiffs' 6 Motion to Issue Summons USM 285 since "[t]he plaintiff is responsible for having the summons and complaint served" and "must furnish the necessary copies to the person who makes service." Fed. R. Civ. P. 4(c)(1). Furthermore, a court order for service to be made by a U.S. marshal or deputy marshal is discretionary, unless the plaintiff is authorized to proceed in forma pauperis. <i>Id.</i> at 4(c)(3). Plaintiffs are not proceeding in forma pauperis and have not provided any reason for the Court to grant their request for service by marshal. Accordingly, plaintiffs' motion is DENIED. Signed by Chief Judge Beryl A. Howell on May 24, 2022. (lcbah1) (Entered: 05/24/2022)   |

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| 05/25/2022 | 7 | NOTICE of Voluntary Dismissal by COSTANOAN INDIAN RESEARCH, INC., KANYON SAYERS-ROODS (Dewitty, Robert) (Entered: 05/25/2022)   |
| 05/25/2022 |   | MINUTE ORDER (paperless) DISMISSING this matter, without prejudice, pursuant to plaintiffs' 7 Notice of Voluntary Dismissal. See Fed. R. Civ. P. 41(a)(1)(A)(i). The Clerk of the Court is directed to close this case. Signed by Chief Judge Beryl A. Howell on May 25, 2022. (lcbah1) (Entered: 05/25/2022) |

| PACER Service Center |               |                  |                   |
|----------------------|---------------|------------------|-------------------|
| Transaction Receipt  |               |                  |                   |
| 05/25/2022 18:51:42  |               |                  |                   |
| PACER Login:         |               | Client Code:     |                   |
| Description:         | Docket Report | Search Criteria: | 1:22-cv-01319-BAH |
| Billable Pages:      | 2             | Cost:            | 0.20              |

*Sayers-Roods, et al. v. Machado (CAND, May 25, 2022)*

# **EXHIBIT T**

Elderly Abuse & Neglect Report  
(Victim: A.M. Sayers; Subject: M. Machado)

4/15/22, 12:46 PM

Roundcube Webmail :: Fw: Your fax to Adult Protective Services has succeeded

**Fw: Your fax to Adult Protective Services has succeeded**

**From** Charles Heinz <cheinz@hotmail.com>  
**To** Cary Lee Peterson <clpeterson@rpflegal.com>  
**Date** 2022-04-15 00:36

SOC341-APS-CH.pdf (~323 KB)

Cary,

Attached is a copy of the elder abuse report I just filed. There was no e-mail address listed, only a fax number. Below is a fax confirmation.

**From:** FaxZero.com <support@faxzero.com>  
**Sent:** Thursday, April 14, 2022 8:26 PM  
**To:** Charles Heinz Jr. <cheinz@hotmail.com>  
**Subject:** Your fax to Adult Protective Services has succeeded

Dear Charles Heinz Jr.,

Your fax to Adult Protective Services at 8316375510 has been sent successfully!  
Successful delivery of your fax was confirmed at 11:26 PM Eastern Daylight Time on April 14th, 2022  
Your fax included 1 page of coversheet with your text and 5 pages of attached documents.

Be sure to follow up with the recipient to make sure that the fax is legible and is delivered to the right person in the office.

Thank you,  
FaxZero.com

P.S. Check out <https://www.FreePrintable.net>: printable business cards, certificates, timesheets, calendars, coloring pages, and more.

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If you want to RECEIVE faxes or send lots of pages each month, try our friends at mFax. Just \$10 a month.  
<http://faxzero.com/go/mFax>

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(id#30853472)

*Sayers-Roods, et al. v. Machado (CAND, May 25, 2022)*

# **EXHIBIT U**


CEASE & DESIST NOTICE ISSUED TO  
MARLENE MACHADO BY  
TRIBAL COUNCIL CHAIR SAYERS-ROODS,  
(MAR. 8, 2022)

4/15/22, 12:46 PM

Roundcube Webmail :: Fw: Your fax to Adult Protective Services has succeeded

**Fw: Your fax to Adult Protective Services has succeeded**

**From** Charles Heinz <cheinz@hotmail.com>  
**To** Cary Lee Peterson <clpeterson@rpflegal.com>  
**Date** 2022-04-15 00:36

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Thank you,  
FaxZero.com

P.S. Check out <https://www.FreePrintable.net>: printable business cards, certificates, timesheets, calendars, coloring pages, and more.

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<http://faxzero.com/go/mFax>

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(id#30853472)